BEST COPY
AVAILABLE

MT LEGISLATIVE HISTORY

Chapter 313 19 87

Bill H _____ (S) 305 Original bill & hist. ✓ C

H. Committee on Human Svcs & Aging

Hearing Date(s) _____ ___ C

MAR 12 ✓ C

_____ ___ C

_____ ___ C

Date Out MAR 12 ✓ C

S. Committee on Public Health, Welfare, & Safety

Hearing Date(s) FEB 16 ✓ C

FEB 18 ✓ C

_____ ___ C

_____ ___ C

FEB 18 ✓ C

Did this bill originate in an interim committee? ___ Yes ___ No

Committee _____ Report _____

SENATE BILL NO. 305

INTRODUCED BY ECK, CORNE'

IN THE SENATE

FEBRUARY 6, 1987	INTRODUCED AND REFERRED TO COMMITTEE ON PUBLIC HEALTH, WELFARE & SAFETY.
FEBRUARY 19, 1987	COMMITTEE RECOMMEND BILL DO PASS AS AMENDED. REPORT ADOPTED.
	STATEMENT OF INTENT ADOPTED.
FEBRUARY 20, 1987	PRINTING REPORT.
FEBRUARY 21, 1987	SECOND READING, DO PASS.
FEBRUARY 23, 1987	ENGROSSING REPORT.
	THIRD READING, PASSED. AYES, 49; NOES, 0.
	TRANSMITTED TO HOUSE.

IN THE HOUSE

FEBRUARY 24, 1987	INTRODUCED AND REFERRED TO COMMITTEE ON HUMAN SERVICES & AGING.
MARCH 13, 1987	COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.
MARCH 17, 1987	SECOND READING, CONCURRED IN AS AMENDED.
MARCH 19, 1987	THIRD READING, CONCURRED IN. AYES, 97; NOES, 1.
	RETURNED TO SENATE WITH AMENDMENTS.

IN THE SENATE

MARCH 23, 1987	RECEIVED FROM HOUSE.
	SECOND READING, AMENDMENTS CONCURRED IN.
MARCH 24, 1987	THIRD READING, AMENDMENTS CONCURRED IN.
	SENT TO ENROLLING.

1 Senate BILL NO. 305
2 INTRODUCED BY Eck Clark
3
4 A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING A PROPERLY
5 QUALIFIED DENTIST WHO IS ON THE MEDICAL STAFF OF A HOSPITAL
6 TO PERFORM A PHYSICAL EXAMINATION IN CONJUNCTION WITH A
7 HOSPITAL ADMISSION."
8
9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
10 Section 1. Hospital admissions -- patient histories
11 and examinations. (1) A qualified dentist who is a member of
12 the medical staff of a hospital and who admits a patient
13 having only dental problems to the hospital may take the
14 history and perform a complete physical examination of the
15 patient.
16 (2) This section does not affect hospital staff
17 privileges of any hospital and may not be construed to
18 require that such privileges be extended or not extended to
19 any dentist.
20 Section 2. Codification instruction. Section 1 is
21 intended to be codified as an integral part of Title 37,
22 chapter 4, and the provisions of Title 37, chapter 4, apply
23 to section 1.

-End-

INTRODUCED BILL
SB 305

APPROVED BY COMMITTEE
ON PUBLIC HEALTH, WELFARE
& SAFETY

STATEMENT OF INTENT

SENATE BILL 305

Senate Public Health, Welfare, and Safety Committee

This bill may require the department of health and environmental sciences to amend Rule 16.32.320, Administrative Rules of Montana, or to modify its interpretation of that rule, which incorporates by reference federal regulations governing hospital staffing (42 CFR 405 subpart J). If the federal regulations do not prohibit a hospital from authorizing an oral surgeon to take patient histories and perform physical examinations, no action by the department is contemplated. Because the federal regulations are ambiguous, the department may make appropriate changes in its rules if necessary to administer this act.

Should other dental specialties emerge, with in-hospital training equivalent to that of oral surgeons, the board of dentistry may recognize these specialists as qualified to take patient histories and perform physical examinations.

Montana Legislative Council

SECOND READING
SB 305

SENATE BILL NO. 305

INTRODUCED BY ECK, CORNE'

A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING A PROPERLY QUALIFIED ~~DENTIST~~ ORAL SURGEON WHO IS ON THE MEDICAL STAFF OF A HOSPITAL TO PERFORM A PHYSICAL EXAMINATION IN CONJUNCTION WITH A HOSPITAL ADMISSION."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Hospital admissions -- patient histories and examinations. (1) FOR PURPOSES OF THIS SECTION, "ORAL SURGEON" MEANS A DENTIST WHO HAS SUCCESSFULLY COMPLETED A POSTGRADUATE PROGRAM IN ORAL SURGERY ACCREDITED BY A NATIONALLY RECOGNIZED ACCREDITATION BODY APPROVED BY THE UNITED STATES OFFICE OF EDUCATION.

(2) A qualified ~~dentist~~ ORAL SURGEON who is a member of the medical staff of a hospital and who admits a patient ~~having only dental problems~~ to the hospital FOR ORAL OR MAXILLOFACIAL SURGERY may take the history and perform a ~~complete~~ physical examination of the patient.

~~(2)~~(3) This section does not affect hospital staff privileges of any hospital and may not be construed to require that ~~such privileges~~ ANY SPECIFIC PRIVILEGE, INCLUDING TAKING A HISTORY OR PERFORMING A PHYSICAL EXAMINATION, be extended or not extended to any ~~dentist~~ ORAL SURGEON.

SECTION 2. EXTENSION OF AUTHORITY. ANY EXISTING AUTHORITY OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES AND THE BOARD OF DENTISTRY TO MAKE RULES ON THE SUBJECT OF THE PROVISIONS OF THIS ACT IS EXTENDED TO THE PROVISIONS OF THIS ACT.

Section 3. Codification instruction. Section 1 is intended to be codified as an integral part of Title 37, chapter 4, and the provisions of Title 37, chapter 4, apply to section 1.

-End-

STATEMENT OF INTENT

SENATE BILL 305

Senate Public Health, Welfare, and Safety Committee

This bill may require the department of health and environmental sciences to amend Rule 16.32.320, Administrative Rules of Montana, or to modify its interpretation of that rule, which incorporates by reference federal regulations governing hospital staffing (42 CFR 405 subpart J). If the federal regulations do not prohibit a hospital from authorizing an oral surgeon to take patient histories and perform physical examinations, no action by the department is contemplated. Because the federal regulations are ambiguous, the department may make appropriate changes in its rules if necessary to administer this act.

Should other dental specialties emerge, with in-hospital training equivalent to that of oral surgeons, the board of dentistry may recognize these specialists as qualified to take patient histories and perform physical examinations.

Montana Legislative Council

THIRD READING
SB 305

SENATE BILL NO. 305

INTRODUCED BY ECK, CORNE'

A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING A PROPERLY QUALIFIED ~~DENTIST~~ ORAL SURGEON WHO IS ON THE MEDICAL STAFF OF A HOSPITAL TO PERFORM A PHYSICAL EXAMINATION IN CONJUNCTION WITH A HOSPITAL ADMISSION."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Hospital admissions -- patient histories and examinations. (1) FOR PURPOSES OF THIS SECTION, "ORAL SURGEON" MEANS A DENTIST WHO HAS SUCCESSFULLY COMPLETED A POSTGRADUATE PROGRAM IN ORAL SURGERY ACCREDITED BY A NATIONALLY RECOGNIZED ACCREDITATION BODY APPROVED BY THE UNITED STATES OFFICE OF EDUCATION.

(2) A qualified ~~dentist~~ ORAL SURGEON who is a member of the medical staff of a hospital and who admits a patient ~~having only dental problems~~ to the hospital FOR ORAL OR MAXILLOFACIAL SURGERY may take the history and perform a ~~complete~~ physical examination of the patient.

~~(2)~~(3) This section does not affect hospital staff privileges of any hospital and may not be construed to require that ~~such privileges~~ ANY SPECIFIC PRIVILEGE, INCLUDING TAKING A HISTORY OR PERFORMING A PHYSICAL EXAMINATION, be extended or not extended to any ~~dentist~~ ORAL SURGEON.

SECTION 2. EXTENSION OF AUTHORITY. ANY EXISTING AUTHORITY OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES AND THE BOARD OF DENTISTRY TO MAKE RULES ON THE SUBJECT OF THE PROVISIONS OF THIS ACT IS EXTENDED TO THE PROVISIONS OF THIS ACT.

Section 3. Codification instruction. Section 1 is intended to be codified as an integral part of Title 37, chapter 4, and the provisions of Title 37, chapter 4, apply to section 1.

-End-

STATEMENT OF INTENT

SENATE BILL 305

Senate Public Health, Welfare, and Safety Committee

This bill may require the department of health and environmental sciences to amend Rule 16.32.320, Administrative Rules of Montana, or to modify its interpretation of that rule, which incorporates by reference federal regulations governing hospital staffing (42 CFR 405 subpart J). If the federal regulations do not prohibit a hospital from authorizing an oral surgeon to take patient histories and perform physical examinations, no action by the department is contemplated. Because the federal regulations are ambiguous, the department may make appropriate changes in its rules if necessary to administer this act.

Should other dental specialties emerge, with in-hospital training equivalent to that of oral surgeons, the board of dentistry may recognize these specialists as qualified to take patient histories and perform physical examinations.

Montana Legislative Council

REFERENCE BILL
SB 305

SENATE BILL NO. 305

INTRODUCED BY ECK, CORNE'

A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING A PROPERLY QUALIFIED ~~DENTIST~~ ORAL SURGEON WHO IS ON THE MEDICAL STAFF OF A HOSPITAL TO PERFORM A PHYSICAL EXAMINATION IN CONJUNCTION WITH A HOSPITAL ADMISSION."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Hospital admissions -- patient histories and examinations. (1) FOR PURPOSES OF THIS SECTION, "ORAL SURGEON" MEANS A DENTIST WHO HAS SUCCESSFULLY COMPLETED A POSTGRADUATE PROGRAM IN ORAL SURGERY ACCREDITED BY A NATIONALLY RECOGNIZED ACCREDITATION BODY APPROVED BY THE UNITED STATES OFFICE OF EDUCATION.

(2) A qualified ~~dentist~~ ORAL SURGEON who is a member of the medical staff of a hospital and who admits a patient ~~having only dental problems~~ to the hospital FOR ORAL OR MAXILLOFACIAL SURGERY may take the history and perform a complete physical examination of the patient IF THE PATIENT HAS NO KNOWN MEDICAL PROBLEMS.

~~(2)~~(3) This section does not affect hospital staff privileges of any hospital and may not be construed to require that ~~such privileges~~ ANY SPECIFIC PRIVILEGE, INCLUDING TAKING A HISTORY OR PERFORMING A PHYSICAL EXAMINATION, be extended or not extended to any ~~dentist~~ ORAL SURGEON.

SECTION 2. EXTENSION OF AUTHORITY. ANY EXISTING AUTHORITY OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES AND THE BOARD OF DENTISTRY TO MAKE RULES ON THE SUBJECT OF THE PROVISIONS OF THIS ACT IS EXTENDED TO THE PROVISIONS OF THIS ACT.

Section 3. Codification instruction. Section 1 is intended to be codified as an integral part of Title 37, chapter 4, and the provisions of Title 37, chapter 4, apply to section 1.

-End-

COMMITTEE OF THE WHOLE AMENDMENT

(42)

HOUSE

3-17-87
DATE

15:35
TIME

MR. CHAIRMAN: I MOVE TO AMEND SB 305

3rd reading copy (blue) as follows:
Color

PASSED

1) Page 1, line 20.
Following: "patient"
Insert: "if the patient has no known medical problems"

ADOPT

REJECT

3171535S.CW

Fran Bulger

Rep. Bulger

50th LEGISLATIVE SESSION

HUMAN SERVICES COMMITTEE

SENATE BILL NUMBER	ENTERED COM. DATE	DATE CON-SIDERED	OUT OF COM.	DO PASS DATE	DO NOT PASS DATE	DO PASS AS AMENDED DATE	DO NOT PASS AS AMENDED DATE	BE CON-CURRED IN DATE	BE NOT CON-CURRED IN DATE	BE CON-CURRED IN AMENDED DATE	BE NOT CONCURRED IN AS AMENDED DATE
6	2/4/87	3/3/87								3/5/87	
17	2/18/87	3/3/87						3/5/87			
18	2/18/87	3/3/87								3/5/87	
31	2/4/87	2/17/87						2/17/87			
105	2/11/87	3/5/87						3/5/87			
111	2/11/87	3/19/87						3/21/87			
120	2/18/87	3/12/87						3/5/87			
170	2/18/87	3/12/87								3/24/87	
176	2/11/87	3/5/87								3/12/87	
185	2/18/87	3/12/87						3/12/87			
246	2/24/87	3/10/87								3/24/87	
252	2/24/87	3/10/87						3/17/87			
305	2/24/87	3/1/87						3/12/87			
353	3/3/87	3/17/87	3/12/87	Rereferred							

Use a separate sheet for Senate Bills, House Bills, and Resolutions.

MINUTES OF THE MEETING
HUMAN SERVICES AND AGING COMMITTEE
50TH LEGISLATIVE SESSION
HOUSE OF REPRESENTATIVES

The meeting of the Human Services and Aging Committee was called to order by Chairman R. Budd Gould at 1:00 p.m. on Thursday, March 12, 1987 in Room 312-D of the State Capitol.

ROLL CALL: All members were present except Rep. Stella Jean Hansen who was absent.

CONSIDERATION OF SENATE BILL 305:

Senator Eck presented Senate Bill 305.

PROPONENTS:

ROGER TIPPY, lobbyist for the Montana Dental Association, presented testimony prepared by Kristian Hienberg. SB305 allows qualified oral surgeons on the medical staff of the hospital to take histories and physicals of patients they admit to the hospital for oral and maxilla facial surgery. He pointed out that presently an attending MD who is not involved in the case takes the history. Oral surgeons have complete training after dental school similar to that of physicians and can assess their own patients. The joint commission on accreditation of hospitals has determined that oral surgeons are qualified to perform admission histories and physicals for oral and maxilla facial surgery. Clarification of interpretation of departments regulations is needed. He presented members of the Montana Dental Association. (Exhibit 1)

JOHN W. LOHMAN, DDS, secretary-treasurer and director of the Montana Dental Association, support SB305 and recommend its passage. He said that oral surgeons have advanced education and training to enable them to take histories and perform physical exams for their patients. Granting staff privilege is reserved to local hospital administrators. This does not impact on other hospital or insurance physicals. (Exhibit 2)

DR. STEVEN BLACK, an oral surgeon from Bozeman, testified in support of SB305.

DAVID LACKMAN, lobbyist for the Montana Medical Public Health Association, discussed the dental education as being well grounded in the medical sciences and are qualified to give their own admission services. He said they are responsible for followup of their cases and should have complete

knowledge of the patients medical history. He recommended passing SB305. (Exhibit 3)

BILL LEARY, representing the Montana Hospital Association, requested concurrence for SB305.

OPPONENTS: There were no opponents.

SEN. ECK closed on SB305. She noted that the statement of intent was questioned but that the federal regulations are ambiguous and there is a possibility that the department will have to clarify their intent through regulations.

QUESTIONS FROM THE COMMITTEE:

REP. CODY asked Roger Tippy about the statement of intent why the federal regulations were ambiguous. Roger Tippy replied that the regulations were lengthy and needed clarification.

REP. SIMON questioned Sen. Eck concerning the emerging of dental specialties and if this was sufficient for the Board of Dentistry to address. Sen. Eck replied that there are oral surgeons that specialize in pediatrics. She agreed that this might be unclear.

ROGER TIPPY answered that the statement of intent and addressed various specialities. He said the Board of Dentistry may elect to recognize these without legislation. This relates to adding an extension of authority to the dental practice act. He said the statement of intent did not need further amendment because it could implement more general powers to regulate dentistry.

REP. SIMON said he did not see any speciality mentioned in the bill and this could not be construed in the bill to have that person to take histories even given a statement of intent.

ROGER TIPPY said that the statement of intent is not the law but the scope definition of the practice of dentistry needed to be codified. The other option to address this problem by legislation is asking the Board of Dentistry to adopt a rule on the subject but legislation is preferable.

CONSIDERATION OF SENATE BILL 170:

SEN. TOM RASMUSSEN, from Helena, said that Senate Bill 170 would allow an optometrist to administer or prescribe drugs to treat eye diseases. He referenced Page 4 of the bill on the optometry law, Line 6 that includes administration, dispensation, and prescription of drugs used for occular

DAILY ROLL CALL

HUMAN SERVICES AND AGING COMMITTEE

50th LEGISLATIVE SESSION -- 1987

Date MARCH 12, 1987

NAME	PRESENT	ABSENT	EXCUSED
REP. BUDD GOULD, CHAIRMAN	X		
REP. BOB GILBERT, VICE CHAIRMAN	X		
REP. JAN BROWN	X		
REP DUANE COMPTON	X		
REP. DOROTHY CODY	X		
REP. DICK CORNE'	X		
REP. LARRY GRINDE	X		
REP. STELLA JEAN HANSEN			X
REP. LES KITSELMAN	X		
REP. LLOYD MC CORMICK	X		
REP. RICHARD NELSON	X		
REP. JOHN PATTERSON	X		
REP. ANGELA RUSSELL	X		
REP. JACK SANDS	X		
REP. BRUCE SIMON	X		
REP. CAROLYN SQUIRES	X		
REP. TONIA STRATFORD	X		
REP. BILL STRIZICH	X		

STANDING COMMITTEE REPORT

MARCH 17 19 87

Mr. Speaker: We, the committee on HUMAN SERVICES AND AGING

report [illegible] BILL NO. 305

- ☐ do pass
- ☐ do not pass
- ☒ be concurred in
- ☐ be not concurred in
- ☐ as amended
- ☐ statement of intent attached

REP. R. BUDD GOULD, Chairman

ALLOW QUALIFIED DENTISTS TO PERFORM PHYSICAL EXAMS ON HOSPITAL ADMISSIONS

REP. CORNE' WILL CARRY THIS BILL IN THE HOUSE OF REPRESENTATIVES

THIRD reading copy (BLUE color)

EXHIBIT #1
DATE 3-12-87
HB #305

WITNESS STATEMENT

NAME Kristin Heimburg BILL NO. SB 305

ADDRESS 4 Deborah Ct., Helena, MT DATE 3-09-87

WHOM DO YOU REPRESENT? Montana Dental Association

SUPPORT X OPPOSE _____ AMEND _____

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments: SB 305 allows qualified oral surgeons on the medical staff of a hospital to take the histories and physicals of patients they admit to the hospital for oral and maxillofacial surgery.

Presently, upon admitting a patient, an oral surgeon must bring in an attending physician, who is otherwise not involved in the case, to perform the history and physical of the patient. Oral surgeons feel that they have the necessary training and qualifications to assess their own patients.

The Joint Commission on Accreditation of Hospitals, the national body which supervises hospital accreditation in the United States, has determined that oral surgeons by virtue of their training and credentials, are qualified to perform admission histories and physicals of the patients they admit for oral and maxillofacial surgery who are otherwise healthy. Accordingly, the JCAH in its guidelines for hospitals, recognizes granting oral surgeons the privilege of performing the admission histories and physicals of their patients.

The Health and Environmental Sciences Department attorney reviewed the federal regulations which Montana Code adopts, regarding dentists as staff members performing histories and physicals of the patients they admit to the hospital. The attorney concluded that the federal regulations were ambiguous. Therefore, SB 305 needs to become part of the law governing hospital staffing, specifically stating that oral surgeons may be granted the privilege of performing admission histories and physicals.

Montana Dental Association

P. O. Box 513 Butte, Montana 59703 Phone (406) 782-9333

Constituent: AMERICAN DENTAL ASSOCIATION

EXHIBIT
DATE 3 12 87
HB # 305

March 12, 1987

TO: Human Services And Aging Committee

FROM: John W. Lohman, D.D.S., Secretary-Treasurer

Dear Mr. Chairman and Committee Members:

I am Dr. John Lohman from Butte. I am Secretary-Treasurer and Director of the Montana Dental Association, the professional association representing 452 members, which is over 95% of the dentists in Montana. We support SB 305 and recommend its passage. Some of the reasons for our support are as follows:

1. Oral surgeons have advanced education and training to enable them to take histories and perform physical exams for their patients.

2. Granting staff privilege is still reserved to the local hospital administrators.

3. The "history and physical" privilege is reserved to oral surgery patients and will not impact on other hospital or insurance physicals.

4. The training of oral surgeons makes them acutely aware of the need to refer patients to medical doctors when special needs and considerations are noted.

5. Allowing oral surgeons to take histories and physicals will save money for patients who otherwise have to call in an M.D. for hospital admittance for oral surgery procedures.

6. Present law is vague and confusing, resulting in varied interpretation, and opens the door to possible liability involvement.

7. SB 305 will clear up the present confusion as recommended by the Joint Commission on Accreditation of Hospitals.

Officers — 1986-1987

President
Donald O. Nordstrom, D.D.S.
817 Stephens

President Elect
Leonard L. Dailey, D.D.S.
2703 11th Avenue No.

1st Vice-President
Lorence R. Flynn, D.D.S.
414 Hilltop Ave.
Kalispell, MT 59901

2nd Vice-President
Roger L. Kiesling, D.D.S.
121 No. Last Chance Gulch
Helena, MT 59601

Secretary-Treasurer
John W. Lohman, D.D.S.
P.O. Box 513
Butte, MT 59703

EXHIBIT
DATE 3-12-87
HB #305

(This sheet to be used by those testifying on a bill)

NAME: DAVID LAUXMAN DATE: 3/12/87

ADDRESS: 1400 Winne Avenue , Helena 59601 443-3494

PHONE: 443-3494

REPRESENTING WHOM? Montana Public Health Association

APPEARING ON WHICH PROPOSAL: SB 305 (Dorothy Eck) Allow Qualified Dentists to perform physical exams on hospital admissions. House Human Services Room 312 D 12:30 Wednesday 3/12

DO YOU: SUPPORT? XXXX AMEND? OPPOSE?

COMMENT: Today I am testifying as an educator- from experience during the thirties at the Medical School, Univ. of Pennsylvania. Dental students often came to the Medical School for courses. I took some with them; and went to the Dental School as a guest lecturer. They are well grounded in the medical sciences; and are certainly qualified to give their own admission physicals. After all, they are responsible for follow-up of their post-op cases- more the reason why they should have complete knowledge of the patient's medical history.

In WW II, we used dental officers at Camp Hood whenever we had a rush on physicals. They did a complete and thorough job. Later, at Camp Detrick, I worked alongside them in research and developement. There too, they were outstanding.

We surely have no reservations with this bill; and recommend its enactment . THANK YOU DBL

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

VISITORS' REGISTER

HUMAN SERVICES AND AGING COMMITTEE

BILL NO. SENATE BILL #305 DATE MARCH 12, 1987

SPONSOR SENATOR ECK

NAME (please print)	RESIDENCE	SUPPORT	OPPOSE
~~Kenneth M. Younger~~	~~Bozeman~~		X
Bill Leahy	Mt. Hosp Assn	✓	
SL Black	Bozeman	✓	
[illegible] Lothman	Bozeman	✓	
Bill Symons	Helena		
David LACKMAN	Helena	X	
[illegible]	MDA	✓	
Tom Winston	Missoula		

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR WITNESS STATEMENT FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

CS-33

CHAIRMAN--SEN. DOROTHY ECK SECRETARY-ELLEN HEHRING
NORMAL SCHEDULE==> SITE: ROOM 410 DAYS: M-W-F TIME: 1:00 P.M.

BILL NO	REFER DATE	HEARING DATE	CONSIDERATION DATES	COMMITTEE ACTION	REREFERRED TO COMM	DATE OUT
SB0252 REGAN, PAT	1/29		PERMIT DISABILITY INSURANCE POLICIES TO CONTAIN A SUBROGATION CLAUSE		JUDICIARY	
SB0290 VAUGHN, ELEANOR	2/05	2/13	REQUIRE PHARMACIES TO POST PRICE AND GENERIC EQUIVALENT OF BRAND-NAME DRUGS	ADVERSE REPORT		2/16/87
SB0305 ECK, DOROTHY	2/06	2/16	ALLOW QUALIFIED DENTISTS TO PERFORM PHYSICAL EXAMS ON HOSPITAL ADMISSIONS	PASS AS AMENDED		2/18/87
SB0349 REGAN, PAT	2/16	2/18	AUTHORIZE AND REGULATE HEALTH MAINTENANCE ORGANIZATIONS		No Action	
SB0351 WALKER, MIKE	2/17	2/20	ENTERING PACIFIC STATES AGREEMENT ON RADIOACTIVE MATERIALS TRANSPORTATION	PASS AS AMENDED		2/20/87
SB0353 MEYER, DARRYL	2/16	2/18	REGULATE HEALTH MAINTENANCE ORGANIZATIONS	PASS AS AMENDED		2/20/87
SB0371 REGAN, PAT	2/18	2/20	REGULATE PREFERRED PROVIDER ARRANGEMENTS	PASS AS AMENDED		2/20/87
SJ0001 GAGE, DELWYN	1/05	1/07	OPPOSING INDIAN HEALTH SERVICE REGS LIMITING ELIGIBILITY FOR HEALTH CARE	DO PASS		1/14/87
SJ0008 KEATING, THOMAS F.	1/26	2/11	RESOLUTION TO ENDORSE RECOMMENDATIONS OF DEVELOPMENTAL PLANNING TASK FORCE	PASS AS AMENDED		2/13/87
SJ0013 KEATING, THOMAS F.	3/10	4/01	STUDY CONSOLIDATION OF SERVICES FOR DEVELOPMENTALLY DISABLED PERSONS	DO PASS		4/10/87

James Ahrens: The reason for the high thresholds is that new equipment usually has a high approval rate.

Sen. Himsl moved that S.B. 246 receive a DO PASS. The vote was 5-5. Those voting yes were Senators Eck, Meyer, Vaughn, Rassmussen, and Himsl. Those senators voting no were Norman, Williams, Jacobson, McLane and Hager.

CONSIDERATION OF SENATE BILL NO. 305: Senator Dorothy Eck, District # 40, sponsor of S.B. 305, opened by stating that she would let the proponents explain the bill.

PROPONENTS: Roger Tippy, testified that S.B. 305 amends the Dental Practices Act to make it more efficient for physicians to function in a hospital with their patients. The bill really deals specifically with oral surgeons, who have clinical and residential training in hospitals, who wish to give pre-operative physicals themselves to their patients so that they can keep better track of other physical difficulties their patients might have. Right now, another physician at the hospital must give this physical. If this bill passes, the Department of Health needs to be advised that the privilege limited to physicians needs to be modified. The reason that the term "oral surgeons" was not used in this bill is that there will be other dental specialties in a few years who will want to use this privilege.

Dr. John Lohman, Montana Dental Association, testified that oral surgeons have advanced education and training to enable them to take histories and perform physical exams for their patients, that the history and physical privilege will be reserved to oral surgery partients only, that oral surgeons have the training to refer patients to other medical doctors when special needs are noticed, and that patients will save money by not having to call in other M.D.'s. S.B. 305 will clear up present law, which is vague and confusing, and which opens the door to possible liability involvement, when an oral surgeon may not adequately know the other medical history of his/her patient. Exhibit # 1.

Dr. David Lackman, Montana Public Health Association, stated that the medical educators favor this bill. They urge its passage.

Dr. Dail M. Hafer, oral surgeon, Great Falls, stated that he has had difficulties in hospitals doing his own physicals on his patients, and that he needs to know what their problems are. These physicals need to be done by a qualified person, and oral surgeons are qualified through their residency training programs to do these. They now rotate with all other doctors and work with the total patient.

Dr. Steven Black, oral surgeon, Bozeman, stated that oral surgeons are taught by qualified members of a teaching staff who certify that training is done; oral surgeons also receive anesthesia training for work in hospitals and in their offices. In the Accreditation Manual for Hospitals by the Joint Commission, a patient can have a physical performed by an oral surgeon, if the hospital has granted that privilege.

Dr. Tom Bulger, District # 37, stated that only a qualified dentist, i.e. an oral surgeon, would have the right to give these particular physicals to their own patients, and that the bill does not give them the right to treat other medical problems.

Jerome Loendorf: Montana Medical Association, stated that the Department of Health was refusing to allow oral surgeons to perform physicals, but he would offer an amendment to the bill adding "a qualified dentist" as a member of the medical staff. This does not affect hospital staff privileges.

William Leary, Montana Hospital Association, stated that they support the intent of the bill but that they have some questions such as the dentist's qualifications and the depth of the exam and whether or not a general anesthetic will be required. They would like to submit an amendment that specifies a new Section Two that the dentist shall adhere to the rule of the hospital to have the physical done by a physician member of the staff if anesthetic is to be administered. This would prevent risk to the patient.

DISCUSSION OF SENATE BILL NO. 305: Sen. Rassmussen: Dr. Lohman, how do you feel about the amendment?
Dr. Lohman: It would destroy the bill; the patient would still need two physicals. That doctor who does the hospital physicals wouldn't be around at all after surgery.
Sen. Meyer: Do you want oral surgeon instead of dentist in the bill and do you want a complete physical or just a physical exam?
Dr. Black: Oral surgeon would be fine, and complete physical should be the term used. The anesthesiologist also acts as his own control and talks to the patient, as well.

Sen. Vaughn: Is the doctor there during surgery?
Dr. Black: No, not usually.
Sen. Himsl: What does this complete physical exam involve?
Dr. Hafer: It is a standard physical exam given to a patient entering a hospital, and that is what we are referring to as a complete physical. We need to know what is going on with the heart and lungs especially. The complete physical would be what the doctor feels the patient needs.

Sen. Williams: Who determines "properly qualified"?
Dr. Hafer: The hospital staff.

Sen. Eck: Perhaps we should strike the work "complete", use "oral surgeon" instead of "dentist", and keep the anesthesiologist responsible for his own procedures; and I recommend against Mr. Leary's amendment.

The meeting adjourned at 2:50 P.M.

Dorothy Eck

Chairman

ROLL CALL

Public Health, Welfare and Safety COMMITTEE

50th LEGISLATIVE SESSION -- 1987 Date 2-16-87

NAME	PRESENT	ABSENT	EXCUSED
Dorothy Eck	X		
Bill Norman	X		
Bob Williams	X		
Darryl Meyer	X		
Eleanor Vaughn	X		
Tom Rasmussen	X		
Judy Jacobson	X		
Harry H. "Doc" McLane	X		
Matt Himsl	X		
Tom Hager	X		

Each day attach to minutes.

DATE 2-16-87

COMMITTEE ON Senate Public Health

VISITORS' REGISTER

NAME	REPRESENTING	BILL #	Check One Support	Check One Oppose
David LACKMAN	MT Public Health Assn	305	X	
John Lahman	Mt Dental Assn	305	X	
Roger Tippy	" "	305	X	
Karl W. Hafen	private practice	305	X	
Stephen Black	private practic	305	X	
Jim Bridger	M.D.	305	X	

(Please leave prepared statement with Secretary)

Montana Dental Association

P. O. Box 513 Butte, Montana 59703 Phone (406) 782-9333

Constituent: AMERICAN DENTAL ASSOCIATION

SENATE HEALTH & WELFARE
EXHIBIT NO. 1
DATE 2-16-87
BILL SB 305

February 16, 1987

TO: Senate Public Health, Welfare and Safety Committee

RE: SB 305

Dear Madam Chairman, Mr. Vice-Chairman and Committee Members:

I am Dr. John Lohman from Butte. I am Secretary-Treasurer and Director of the Montana Dental Association, the professional association representing 452 members, which is over 95% of the dentists in Montana. We support SB 305 and recommend its passage. Some of the reasons for our support are as follows:

1. Oral surgeons have advanced education and training to enable them to take histories and perform physical exams for their patients.

2. Granting staff privilege is still reserved to the local hospital administrators.

3. The "history and physical" privilege is reserved to oral surgery patients and will not impact on other hospital or insurance physicals.

4. The training of oral surgeons makes them acutely aware of the need to refer patients to medical doctors when special needs and considerations are noted.

5. Allowing oral surgeons to take histories and physicals will save money for patients who otherwise have to call in an M.D. for hospital admittance for oral surgery procedures.

6. Present law is vague and confusing, resulting in varied interpretation, and opens the door to possible liability involvement.

7. SB 305 will clear up the present confusion as recommended by the Joint Commission on Accreditation of Hospitals.

Officers — 1986-1987

President
Donald O. Nordstrom, D.D.S.
3817 Stephens
Missoula, MT 59801

President Elect
Leonard L. Dailey, D.D.S.
2703 11th Avenue No.
Billings, MT 59101

1st Vice-President
Lorence R. Flynn, D.D.S.
414 Hilltop Ave.
Kalispell, MT 59901

2nd Vice-President
Roger L. Kiesling, D.D.S.
121 No. Last Chance Gulch
Helena, MT 59601

Secretary-Treasurer
John W. Lohman, D.D.S.
P.O. Box 513
Butte, MT 59703

MINUTES OF THE MEETING
PUBLIC HEALTH, WELFARE & SAFETY COMMITTEE
MONTANA STATE SENATE

February 18, 1987

ACTION ON SENATE BILL NO. 246: Senator Jacobson moved that S.B. 246 do pass.
Sen. Williams: Will this bill make us another $200,000 short?
Sen. Himsl: This is not a totally perfect operation, but it doesn't put us in a penalty situation to have it, and it may if we don't. The budget cost is $125,000, and it is worth it if it saves us from some unnecessary projects.
Sen. Williams: Is the CON a cost-sharing expense with the Federal government?
Rose Skoog: There have been federal funds in the past in the program, but not now. The rest will be picked up by application fees.
Sen. Williams: Then the state share will not be picked up by application fees. Can there be a fiscal note before second reading?
Sen. Norman: I will authorize a fiscal note to be ready quickly.
Sen. Jacobson called for the question. S.B. 246 received a DO PASS with Senators Norman, Williams, and McLane voting no.

ACTION ON SENATE BILL NO. 305: Karen Renne explained the amendments to the bill (see attached committee report). Sen. Eck moved that the amendments and the Statement of Intent receive a DO PASS. The vote was a unanimous DO PASS. Sen. Eck moved that S.B. 305 DO PASS AS AMENDED. The bill received a Unanimous DO PASS AS AMENDED.

CONSIDERATION OF SENATE BILLS NOS. 349 AND 353: Sen. Pat Regan, District # 47, introduced S.B. 349 and asked that those testifying present the concept and the specifics of the bill.
Sen. Darryl Meyer, District # 17, introduced S.B. 353, stating that the purpose of the bill is to provide regulations for Health Maintenance Organizations, a new concept in health care, now starting up in Montana. Since the two bills are very similar, the committee elected to hear testimony on both bills together.

PROPONENTS: Kathy Irigoin, lawyer with the State Auditor's office, stated that the Auditor's office prefers their bill, # 353, and her testimony will explain some of the differences between the two bills. The existing Freedom of Choice Practices law prevents most types of HMO's from operating in Montana; only HMOs meeting Federal requirements can operate, since Federal law pre-empts state law. The state auditor's bill meaningfully addresses financial solvency of an HMO and consumer protection, such as the evidence that coverage contain a definition of key terms, a clear disclosure of benefits, and provisions for disenrolling members. The bill also states that consumers cannot pay more for HMO coverage than they would for normal insurance coverage. The State Auditor's bill also requires payment for drug and alcohol and mental health services, which S.B. 349 does not. On P. 22, Line 8, she recommended an amendment making mental health coverage a mandatory benefit, not a mandatory offer.

S.B. 349 does not include the authority to contract and does not

ROLL CALL

Public Health, Welfare and Safety COMMITTEE

50th LEGISLATIVE SESSION -- 1987 Date 2-18-87

NAME	PRESENT	ABSENT	EXCUSED
Dorothy Eck	X		
Bill Norman	X		
Bob Williams	X		
Darryl Meyer	X		
Eleanor Vaughn	X		
Tom Rasmussen	X		
Judy Jacobson	X		
Harry H. "Doc" McLane	X		
Matt Himsl	X		
Tom Hager	X		

Each day attach to minutes.

STANDING COMMITTEE REPORT

SCRSB305

February 18, 1987

MR. PRESIDENT

We, your committee on Public Health, Welfare, and Safety

having had under consideration Senate Bill No. 305

first reading copy (white)
color

ALLOW QUALIFIED DENTISTS TO PERFORM PHYSICAL EXAMS ON HOSPITAL ADMISSIONS

Respectfully report as follows: That Senate Bill No. 305

BE AMENDED AS FOLLOWS:

1. Title, line 5.
Following: "QUALIFIED"
Strike: "DENTIST"
Insert: "ORAL SURGEON"

2. Page 1, line 11.
Following: "(1)"
Insert: "For purposes of this section, "oral surgeon" means a dentist who has successfully completed a postgraduate program in oral surgery accredited by a nationally recognized accreditation body approved by the United States office of education. (2)"
Following: "qualified"
Strike: "dentist"
Insert: "oral surgeon"
Renumber: subsequent subsection

3. Page 1, line 13.
Strike: "having only dental problems"
Following: "hospital"
Insert: "for oral or maxillofacial surgery"

~~DO PASS~~

~~DO NOT PASS~~

CONTINUED

Chairman.

February 19, 87
19

4. Page 1, line 14.
Following: "perform a"
Strike: "complete"

5. Page 1, line 18.
Following: "that"
Strike: "such privileges"
Insert: "any specific privilege, including taking a history or performing a physical examination,"

6. Page 1, line 19.
Following: "any"
Strike: "dentist"
Insert: "oral surgeon"

7. Page 1, following line 19.
Insert: "Section 2. Extension of authority. Any existing authority of the department of health and environmental sciences and the board of dentistry to make rules on the subject of the provisions of this act is extended to the provisions of this act."

Renumber: subsequent section

STATEMENT OF INTENT APPROVED AND ATTACHED

AND AS AMENDED, DO PASS

Senator Rok

February 18, 1987

MR. PRESIDENT:

WE, YOUR COMMITTEE ON PUBLIC HEALTH, WELFARE AND SAFETY HAVING HAD UNDER CONSIDERATION SENATE BILL NO. 305, ATTACH THE FOLLOWING STATEMENT OF INTENT:

STATEMENT OF INTENT
Senate Bill No. 305

This bill may require the department of health and environmental sciences to amend Rule 16.32.320, Administrative Rules of Montana, or to modify its interpretation of that rule, which incorporates by reference federal regulations governing hospital staffing (42 CFR 405 subpart J). If the federal regulations do not prohibit a hospital from authorizing an oral surgeon to take patient histories and perform physical examinations, no action by the department is contemplated. Because the federal regulations are ambiguous, the department may make appropriate changes in its rules if necessary to administer this act.

Should other dental specialties emerge, with in-hospital training equivalent to that of oral surgeons, the board of dentistry may recognize these specialists as qualified to take patient histories and perform physical examinations.